37TH ANNUAL JAY L. WESTBROOK BANKRUPTCY CONFERENCE

November 14*, 15–16, 2018
Four Seasons Hotel ■ Austin, Texas

*Wednesday Evening John C. Akard Lecture

Earn up to 13.50 Hours of Credit, Including 3.00 Hours of Ethics Credit
MCLE Credit Approved in TX, CA, OK and Expected in LA (Hours Vary by State)
Texas Board of Legal Specialization Approved in Bankruptcy Law

www.utcle.org ■ 512.475.6700
Presiding Officer:
Richard Robbins, AlixPartners LLP, Houston, TX

7:30 a.m. Registration Opens
Includes continental breakfast.

8:35 a.m. Welcoming Remarks

DUBERSTEIN AND ELLIOTT CUP CHAMPIONSHIP TEAMS

8:45 a.m.
Professor Jay L. Westbrook introduces the Duberstein and Elliott Cup Championship Teams.

8:55 a.m. 1.25 hrs | .50 hr ethics
Recent Developments
Professor Westbrook, and his usual supporting cast, discuss the year’s most important business and consumer cases.

Moderator:
Jay L. Westbrook, The University of Texas School of Law, Austin, TX

Panelists:
R. Byrn “Byrnie” Bass Jr., Attorney at Law, Lubbock, TX
Deborah B. Langehennig, Chapter 13 Trustee, Austin, TX
Bill Rochelle, American Bankruptcy Institute, New York, NY
Deborah D. Williamson, Dykema Cox Smith, San Antonio, TX

10:10 a.m. .75 hr
Mediation Maximus
Do’s and don’ts to maximize the potential for a positive mediated outcome and avoid wasting time and money.

Hon. Leif M. Clark, Leif M. Clark Consulting, PLLC, San Antonio, TX
Sylvia A. Mayer, S. Mayer Law PLLC, Houston, TX

10:55 a.m. Break

11:05 a.m. .75 hr
What Every Bankruptcy Lawyer Should Know About the Tax Cuts and Jobs Act of 2017
Discuss the changes in the tax law, brought about by the enactment of the Tax Cuts and Jobs Act of 2017, that impact debtors and creditors in bankruptcy proceedings, and, in particular, how those changes impact the value of the bankruptcy estate to prospective bidders for assets in the estate.

John T. Bradford, Liskow & Lewis, Houston, TX
Edward L. Rothberg, Hoover Slovacek LLP, Houston, TX

11:50 a.m. .75 hr
Puerto Rico Lessons Learned
Puerto Rico’s insolvency is changing the law of municipal insolvencies — a spate of litigation has already produced numerous decisions from the trial court, six opinions from the U.S. Court of Appeals for the 1st Circuit Court and one from the Supreme Court in the last two years alone. Hear lessons learned, and issues opened and unresolved, for other troubled state and local governments.

Amy Caton, Kramer Levin Naftalis & Frankel LLP, New York, NY

12:35 p.m. Lunch on Your Own

THE JOHN C. AKARD DISTINGUISHED LECTURESHP
The John C. Akard Distinguished Lectureship Program was endowed by the generous gifts of many members of the Texas bankruptcy bar in honor of Judge John C. Akard (retired), a 1957 UT Law graduate who served with great distinction for 14 years as the U.S. Bankruptcy Judge in the Northern District of Texas, sitting in Lubbock and throughout much of West Texas. The first Akard Lecture was delivered in 2001 by Professor Elizabeth Warren of Harvard Law School, and formerly of The University of Texas School of Law.
### BUSINESS TRACK

**Presiding Officer:** Robin Russell, Hunton Andrews Kurth LLP, Houston, TX

1:50 p.m. 0.50 hr ethics

**In the Hot Seat: In-House Counsel as Witnesses**

The use of in-house counsel as a witness has potential benefits and – more importantly – pitfalls for both the client and counsel. Learn what is the best way to navigate those ethical and legal pitfalls.

     Eric D. Madden, Reid Collins & Tsai LLP, Dallas, TX

2:20 p.m. 0.50 hr

**Adequate Protections**

Evaluate the trends of adequate protection in the use, sale or lease of property of the estate. Focus on a few case studies and review the legal trends and types of adequate protection which courts have either recently approved or which may become more common in the future, especially as interest rates and liquidity tighten.

     Patrick L. Hughes, Haynes and Boone, LLP, Houston, TX

2:50 p.m. 0.50 hr

**Workout Tactics and Other Strategies to Avoid Chapter 11 Bankruptcy**

With the expense of Chapter 11 increasing, what tactics or strategies should a restructuring professional consider if Chapter 11 bankruptcy is not the preferred alternative.

     Kevin Mark Lippman, Munsch Hardt Kopf & Harr, P.C., Dallas, TX
     Mark Shapiro, GlassRatner, Dallas, TX

3:20 p.m. Break

3:30 p.m. 0.75 hr

**Expert Nightmares**

Getting your expert’s opinion into the record and adopted by the Court can be the difference between victory and defeat. Using published opinions as a springboard, key turning points in assisting and persuading the Court with expert opinions are examined.

     Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
     J. Ken Johnson, Martin | Walton LLP, Houston, TX

4:15 p.m. 0.75 hr

**(Almost) Everything You Ever Wanted to Know About Chapter 11 Plans**

Before heading off for cocktail hour, be sure to brush up on chapter 11 plan developments so you can be the life of the party. Discuss recent plan-related developments including substantive consolidation, “per plan” versus “per debtor” considerations, third-party releases, artificial impairment, good faith and a number of other issues that will keep your guests thoroughly entertained.

     Aaron Michael Kaufman, Dykema Cox Smith, Dallas, TX
     David W. Perham, Akerman, Dallas, TX
     Alexandra Schwarzman, Kirkland & Ellis LLP, Chicago, IL

5:00 p.m. Adjourn to Reception

### CONSUMER TRACK

**Presiding Officer:** Hon. John C. Akard, U.S. Bankruptcy Judge, Retired, Tomball, TX

1:50 p.m. 0.75 hr | 0.50 hr ethics

**Jevic in the Consumer Context**

Can a Chapter 7 trustee really sell my underwater homestead? Some courts say yes, but probably not in Texas.

     Michael V. Baumer, Law Office of Michael Baumer, Austin, TX

2:35 p.m. 0.75 hr

**Automatic Stay/Turnover**

Is refusal to turn over property post-petition a violation of the stay? Discuss turnover after In Re Cowan, 849 F. 3d 943 (10th Cir. 2017).

     Hon. Jeffrey P. Norman, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX
     David G. Peake, Chapter 13 Trustee, Houston, TX

3:20 p.m. Break

3:30 p.m. 0.75 hr

**Loss Mitigation in Texas**

Not just for homestead! A committee of the Bankruptcy Law Section has submitted a loss mitigation program for statewide implementation to our bankruptcy judges. Hear the latest on the loan modification program proposed for Texas.

     Pamela A. Bassel, Standing Chapter 13 Trustee for the Northern District of Texas, Fort Worth, TX

4:15 p.m. 0.75 hr

**Bankruptcy Exemptions - A Practical Approach**

Bankruptcy Exemptions can be a debtor’s best friend or worst nightmare if not used correctly. Attend this breakout session where Judges Gargotta and Rodriguez will discuss how to deal and not deal with exemption issues pre-bankruptcy.

As an added bonus, a portable “Bankruptcy Exemption - Quick Reference Guide” prepared by the Judges is available to the first 50 attendees. Don’t miss out!

     Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX
     Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas, McAllen, TX

5:00 p.m. Adjourn to Reception

5:00 p.m. **Jay L. Westbrook Bankruptcy Conference Reception**

Join program faculty and attendees for drinks and hors d’oeuvres.

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### FRIDAY MORNING, NOV. 16, 2018

**Presiding Officer:**
Chris López, Weil, Gotshal & Manges LLP, Houston, TX

<table>
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<tr>
<th>Time</th>
<th>Event</th>
<th>Speaker(s)</th>
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| 7:45 a.m. | Conference Room Opens  
Includes continental breakfast. |                                                                            |
| 8:15 a.m. | .75 hr | .50 hr ethics  
Legal Ethics About Cryptocurrencies  
Bitcoin and others of the 1,600+ cryptocurrencies are headline news every day, but also possible assets of debtors in bankruptcy. Explore the ethical issues lawyers need to be aware of regarding cryptocurrencies.  
John P. Melko, Foley Gardere, Foley & Lardner LLP, Houston, TX; John Rollins, Stout Risius Ross, LLC, New York, NY; Peter S. Vogel, Foley Gardere, Foley & Lardner LLP, Dallas, TX | |
| 9:00 a.m. | .75 hr ethics  
#NoTweetingAfterMidnight: Ethical Risks in Social Media Use  
Hear valuable guidance on dealing with the ethical minefield that is social media. Using real world examples and ethics opinions, discuss the areas of practice in which social media use (or misuse) can present ethical and disciplinary concerns, as well as tips for using social media responsibly.  
John G. Browning, Passman & Jones, Dallas, TX | |
| 9:45 a.m. | .75 hr  
Technology in the Courtroom  
Overview of courtroom technologies available to effectively and persuasively present visual and audio materials in court proceedings; evidentiary considerations associated with such technology use; and related practice tips and pointers.  
Hon. David R. Jones, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX | |
| 10:30 a.m. | Break |                                                                            |
| 10:45 a.m. | .50 hr  
Circuit Splits  
Discuss key decisions distinguishing the Fifth Circuit from other Circuits in business bankruptcy cases.  
Christina W. Stephenson, Husch Blackwell LLP, Dallas, TX | |
| 11:15 a.m. | .50 hr  
Venue Reform  
Where is Senate Bill 2282?  
Marcus A. Helt, Foley Gardere, Foley & Lardner LLP, Dallas, TX | |
| 11:45 a.m. |   | Pick Up Lunch  
Included in registration. | |

**FRIDAY AFTERNOON**

**Presiding Officer:**
Drew McManigle, SierraConstellation Partners, LLC, Houston, TX

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<th>Speaker(s)</th>
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| 12:05 p.m. | .50 hr  
Fiduciary Duties In Other Systems  
Discuss how far from the United States they stray and are they right to do so?  
John Pottow, University of Michigan Law School, Ann Arbor, MI | |
| 1:05 p.m. | .50 hr  
Individual Chapter 11’s and the Twists and Turns They Can Present  
Explore what an individual Chapter 11 case is, what it isn’t, and how to identify and address some of the challenges you may experience along the way.  
Paul E. Heath, Vinson & Elkins LLP, Dallas, TX; Stephanie E. Kaiser, Doerner Saunders Daniel & Anderson LLP, Fort Worth, TX; E. Lee Morris, Munsch Hardt Kopf & Harr, P.C., Dallas, TX | |
| 2:20 p.m. | Break |                                                                            |
| 2:35 p.m. | .75 hr ethics  
Ethical Considerations in Section 363 Sales  
When (if ever) may insiders and court-approved professionals acquire bankruptcy estate assets? What must be disclosed? What ethical restrictions apply to sale negotiations? What are the consequences of unethical actions when transferring estate assets?  
Susan M. Freeman, Lewis Roca Rothgerber Christie LLP, Phoenix, AZ | |
| 3:20 p.m. | 1.00 hr  
Judicial Spotlight  
The old guard interviews the new guard. Hear Judges Isgur, Parker, and Gargotta facilitate conversation with Judges Rodriguez and Norman regarding judicial philosophies, procedures, and general practice tips. Come and learn more about what makes all of these judges tick!  
Hon. Craig A. Gargotta, U.S. Bankruptcy Court, Western District of Texas, San Antonio, TX; Hon. Marvin Isgur, U.S. Bankruptcy Court, Southern District of Texas, Houston, TX; Hon. Jeffrey P. Norman, U.S. Bankruptcy Court, Eastern District of Texas, Tyler, TX; Hon. Eduardo V. Rodriguez, U.S. Bankruptcy Court, Southern District of Texas, McAllen, TX | |
| 4:20 p.m. | Adjourn |                                                                            |

### RESEARCH AND SELF-STUDY

Did you know that the quality presentations and papers attendees receive at our conferences are available for self-study as part of our eLibrary? Purchase individual pieces a la cart or subscribe annually for just $295. See the Registration Form or email service@utcle.org for more details.

### E-CONFERENCE AVAILABLE

Can’t attend in person this year? While nothing can replace the experience and networking opportunities of the live event, you can still catch up on all the latest bankruptcy developments with the video eConference, available 4–6 weeks following the conference. Pre-order yours today!

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**THREE HOURS OF ETHICS!**

UT Law CLE knows how important your ethics hours are and we know how challenging it can be to find interesting, engaging programming. This year’s Bankruptcy Conference includes 3.00 hours of ethics so you can easily meet your Texas MCLE ethics requirement. Register today!
REGISTRATION BENEFITS

Before the Conference: Access course materials—downloadable PDFs of papers and slides—and speaker and attendee roster in "Your Briefcase" approximately 48 hours before the event.

After the Conference: Unlimited access to final, complete course materials—downloadable PDFs of papers and slides—in "Your Briefcase."  eConference: Complimentary access to the eConference—with papers, slides, and audio/video—for CLE credit (TX and CA) you may have missed at the live conference. Available in "Your Briefcase" 4–6 weeks after the event.

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Activate "Your Account" online at www.utcle.org. Your UT Law CLE Account is created for you as a first-time conference registrant (mail and fax registrations) with the email address(es) provided.

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eConference
The online eConference includes papers, slides, and audio/video—and CLE credit (TX and CA)—from this year’s live program. Available in “Your Briefcase” through the user’s account at www.utcle.org 4–6 weeks after the event.

Comprehensive Course Binders
Containing papers and slides from the live program, eBinders are available for print and printed binders can be ordered for delivery 4–6 weeks after the event date. Shipping included.

REGISTRATION—Includes Electronic Course Materials, Wednesday Evening Akard Lecture, Thursday Evening Reception, Friday Luncheon Presentation, Thursday and Friday Continental Breakfasts, and eConference

POST-CONFERENCE PRODUCTS

eConference—For Texas MCLE Credit
Complete eConference package includes all conference materials for download from "Your Briefcase" at www.utcle.org. Available 4–6 weeks after the live conference date.

Individual registration after November 7 .................................................... $695

Printed course binder available for an additional fee through November 7
Conference registration includes Electronic Course Binder Download (PDF) in “Your Briefcase” at www.utcle.org.

Printed Course Binder .......................... $37.89
Printed Course Binder for tax exempt registrants .......................... $35
(e.g., government employees and nonprofits)

Thursday Afternoon Concurrent Sessions—Select One
Business Track
Consumer Track

RSVP for Wednesday Evening John C. Akard Lecture (Limited Seating Available)
I will attend the Akard Lecture

FIRST AND SECOND YEAR ATTORNEYS MAY ATTEND FOR JUST $150! CALL 512.475.6700 TO REGISTER.

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Comprehensive Binder with papers and slides from the live event. Available 4–6 weeks after the conference date. Shipping included.

eBinder Download (PDF) .......................... $225
Printed Binder .......................... $275

+ Texas customers—add 8.25% sales tax or include an exemption certificate.

Sales tax will be invoiced separately on taxable orders for which payment does not include tax.

Individual registration by November 7 .................................................... $645

Individual registration after November 7 .................................................... $695

Printed course binder available for an additional fee through November 7
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Printed Course Binder for tax exempt registrants .......................... $35
(e.g., government employees and nonprofits)

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This conference has been approved for Minimum Continuing Legal Education credit by the State Bar of Texas Committee on MCLE in the amount of 13.50 hours, of which 3.00 credit hours will apply to legal ethics/professional responsibility credit.

The University of Texas School of Law is a State Bar of California approved MCLE provider (#1944), a presumptively approved provider by the Supreme Court of Louisiana (#0553), and an Oklahoma Bar Association MCLE presumptively approved provider (#169).

In addition, Texas Legal Specialization credits have been approved for Bankruptcy Law.

CPE CREDIT
Attendees of this conference can also earn up to 16.00 hours of Texas Accounting CPE credit.
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**Southern Methodist University Dedman School of Law**

**ELLIOTT CUP CHAMPIONS AND DUBERSTEIN NATIONAL FINALISTS**

**Team:** Alex Cohen, Emma Persson, and Alex Rahn  
**Coaches:** Omar Alaniz, Elizabeth Boydston, and Tim Springer

**The University of Texas School of Law**

**DUBERSTEIN NATIONAL FINALISTS**  
Stephanie Bradford and Gary Yevelev  

**DUBERSTEIN NATIONAL SEMI-FINALISTS**  
David Stevenson and Nathan Dehnert  
**Coaches:** Debbie Langehennig, Jay Ong, Brian Cumings, and Hannah Roblyer

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**RELATED EVENT**

Young Lawyers Committee Annual Evening Reception

Thursday, November 15 at 8:30 p.m.

Micheladas Cafe y Cantina, 333 E 2nd St., Austin, TX 78701

Please join the Young Lawyers Committee of the Bankruptcy Law Section in honoring our recently retired judges, and welcoming our new and incoming judges.

All are invited to join in the celebration!
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REASONS TO ATTEND

• Led by Professor Jay L. Westbrook Recent Developments, the perennial favorite, is back with a panel of distinguished practitioners to discuss this year’s cases.
• The old guard, Judges Isgur, Parker and Gargotta, interview the new guard in the Judicial Spotlight.
• Explore ethical issues that lawyers need to be aware of regarding cryptocurrencies and social media.
• Select from Thursday afternoon concurrent tracks:
  ◦ Business Track discussions on the use of in-house counsel as witnesses; the trends of adequate protection for property of the estate; tactics or strategies if Chapter 11 is not the preferred alternative; and recent Chapter 11 plan-related developments.
  ◦ Consumer Track discussions on Jevic in the consumer context; turnover after In Re Cowan, 849 F. 3rd 943; loan modification program proposed for Texas; and exemption issues for pre-bankruptcy.
• Review technology in the courtroom; circuit splits; ethical considerations in section 363 sales; maximize the potential for a positive mediation outcome.
• Join us Wednesday evening for the John C. Akard Lecture with Melissa B. Jacoby who is the Graham Kenan Professor of Law at the University of North Carolina at Chapel Hill.
• Enjoy interacting and networking with judges, trustees, and practitioners at Thursday Evening’s Jay L. Westbrook Bankruptcy Reception.